

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See attachment.

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:

See attachment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

MARCUS BELTON

DISTRICT COURT NUMBER

CR 14-00030 JST

FILED

NOV 20 2014

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms and Explosives

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) TAI MILDER, SAUSA

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

**PENALTY SHEET ATTACHMENT
DEFENDANT MARCUS BELTON**

Case No. CR 14-00030 JST

COUNT ONE: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. § 922(g)

Maximum Penalties

Imprisonment:	10 years
Fine:	\$250,000, or twice the gain or loss
Supervised Release:	3 years
Special Assessment:	\$100

COUNT TWO: Possession With Intent to Distribute Cocaine Base In or Near School, 21 U.S.C. § 841(a)(1), (b)(1)(C), and 860

Maximum Penalties

Imprisonment:	40 years
Fine:	\$2,000,000
Supervised Release:	6 years (mandatory minimum) to life
Special Assessment:	\$100

COUNT THREE: Possession With Intent to Distribute Cocaine In or Near School, 21 U.S.C. § 841(a)(1), (b)(1)(C), and 860

Maximum Penalties

Imprisonment:	40 years
Fine:	\$2,000,000
Supervised Release:	6 years (mandatory minimum) to life
Special Assessment:	\$100

COUNT FOUR: Possession of Firearm In Furtherance of Drug Trafficking Crime, 18 U.S.C. § 924(c)

Maximum Penalties

Imprisonment:	Life
Fine:	\$250,000
Supervised Release:	5 years
Special Assessment:	\$100

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

CR 14-00030 JST

UNITED STATES OF AMERICA,

v.

MARCUS BELTON,
a/k/a Samuel Glenn,
a/k/a Samuel Belton,
a/k/a Samuel Benton,

FILED

NOV 20 2014

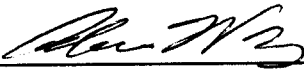
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT.

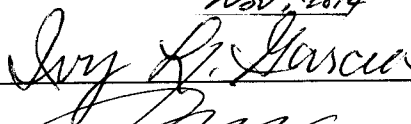
SUPERSEDING INDICTMENT

18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition;
21 U.S.C. § 860(a) – Possession With Intent To Distribute Controlled Substances
Within 1,000 Feet of a School; 18 U.S.C. § 924(c)(1)(A) – Possession of a Firearm
in Furtherance of a Drug Trafficking Crime; 18 U.S.C. § 924(d)(1) – Gun and
Ammunition Forfeiture Allegation; 21 U.S.C. § 853(a) – Drug Forfeiture
Allegation

A true bill.


Foreman

Filed in open court this 20th day of
Nov, 2014


Clerk

Bail, \$ no press

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

NOV 20 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS BELTON,

a/k/a Samuel Glenn,
a/k/a Samuel Belton,
a/k/a Samuel Benton,

Defendant.

No. CR 14-00030 JST

VIOLATIONS: 18 U.S.C. § 922(g)(1)
– Felon in Possession of a Firearm and
Ammunition; 21 U.S.C. § 860(a) –
Possession With Intent To Distribute
Controlled Substances Within 1,000
Feet of a School; 18 U.S.C. §
924(c)(1)(A) – Possession of a Firearm
in Furtherance of a Drug Trafficking
Crime; 18 U.S.C. § 924(d)(1) – Gun
and Ammunition Forfeiture Allegation;
21 U.S.C. § 853(a) – Drug Forfeiture
Allegation

OAKLAND VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition)

On or about October 14, 2013, in the Northern District of California, the defendant,

MARCUS BELTON,

having previously been convicted of a felony crime punishable by a term of imprisonment

SUP. INDICTMENT

1 exceeding one year, knowingly possessed a firearm and ammunition, described as (1) a Taurus
2 brand, model PT-145 pistol, and (2) eleven rounds of .45-caliber ammunition, in and affecting
3 commerce, in violation of Title 18, United States Code, Section 922(g)(1).

4 COUNT TWO: (21 U.S.C. § 860(a) – Possession With Intent To Distribute Cocaine Base
5 Within 1,000 Feet of a School)

6 On or about October 14, 2013, in the Northern District of California, the defendant,
7
8 MARCUS BELTON,
9
10 unlawfully and knowingly possessed with intent to distribute a controlled substance, specifically,
11 a mixture and substance containing a detectable amount of cocaine base, within 1,000 feet of the
12 real property comprising the New Highland Academy, in violation of Title 21, United States
13 Code, Sections 860(a) and 841(a)(1) and 841(b)(1)(C).

14 COUNT THREE: (21 U.S.C. § 860(a) – Possession With Intent To Distribute Cocaine
15 Within 1,000 Feet of a School)

16 On or about October 14, 2013, in the Northern District of California, the defendant,
17
18 MARCUS BELTON,
19
20 unlawfully and knowingly possessed with intent to distribute a controlled substance, specifically
21 cocaine, its salts, optical and geometric isomers, and salts of isomers, within 1,000 feet of the
22 real property comprising the New Highland Academy, in violation of Title 21, United States
23 Code, Sections 860(a) and 841(a)(1) and 841(b)(1)(C).

24 COUNT FOUR: (18 U.S.C. § 924(c)(1)(A) – Possession of a Firearm in Furtherance of
25 Drug Trafficking, and Carrying a Firearm During and in Relation to a
26 Drug Trafficking Crime)

27 On or about October 14, 2013, in the Northern District of California, the defendant,
28
29 MARCUS BELTON
30
31 unlawfully and knowingly carried a firearm, specifically, a Taurus brand, model PT-145 pistol,
32 during and in relation to the drug trafficking crimes charged in Counts Two and Three of this
33 Indictment, and possessed the firearm in furtherance of the offenses alleged in Counts Two and
34 Three of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A).

1 FIRST FORFEITURE ALLEGATION: (18 U.S.C. § 924(d) – Gun and Ammunition Forfeiture)

2 The allegations contained in Count One and Count Four of this Indictment are hereby
3 realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title
4 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

5 Upon conviction of the offense in violation of Title 18, United States Code, Section
6 922(g)(1) set forth in Count One, or the offense in violation of Title 18, United States Code,
7 Section 924(c) set forth in Count Four, the defendant,

8 MARCUS BELTON,

9 shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and
10 Title 28, United States Code, Section 2461(c), any firearm and ammunition involved in the
11 commission of the offense, including, but not limited to:

- 12 a. A Taurus brand, model PT-145 pistol with serial number NCN906;
- 13 b. Eleven rounds of .45-caliber ammunition; and
- 14 c. A black pistol magazine containing nine rounds of .45-caliber ammunition.

15 SECOND FORFEITURE ALLEGATION: (18 U.S.C. § 853(a) – Drug Forfeiture)

16 The factual allegations contained in Counts Two and Three of this Superseding
17 Indictment are realleged and by this reference fully incorporated herein for the purpose of
18 alleging forfeiture pursuant to the provisions of Title 21, United States Code, Sections 853(a)(1)
19 and (2).

20 Upon a conviction of any of the offenses alleged in Counts Two and Three, the
21 defendant,

22 MARCUS BELTON,

23 shall forfeit to the United States all right, title, and interest in property constituting and derived
24 from any proceeds the defendant obtained, directly or indirectly, as a result of said violations,
25 and any property used, or intended to be used, in any manner or part, to commit, or to facilitate
26 the commission of the said violations.

27 If, as a result of any act or omission of the defendant, any of said property
28

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

any and all interest the defendant has in any other property (not to exceed the value of the above forfeitable property) shall be forfeited to the United States.

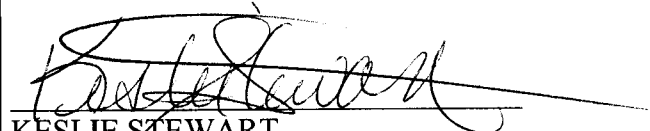
Pursuant to Title 21, United States Code, Sections 853(a)(1) and (2), (p) and Rule 32.2 of the Federal Rules of Criminal Procedure.


Dated: 11/20/14

A TRUE BILL.


FOREPERSON

MELINDA HAAG
United States Attorney


KESLIE STEWART
Deputy Chief, Oakland Branch

(Approved as to form: )
TAI S. MILDER
Special Assistant United States Attorney